

Translators, notaries and the commercial register

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Translations of contracts are needed for many official purposes, such as court proceedings, filings with authorities and registrations of land or companies. A certified translation is one whose accuracy a qualified translator confirms in a declaration. In many cases the translator's signature must in turn be authenticated by a notary or an authority. The canton of Basel-Stadt maintains a list of court interpreters and translators whom the courts and the public prosecutor's office engage, and private parties frequently rely on translators from that list or from professional associations. Germany knows publicly appointed and sworn translators whose certifications are accepted by German courts and authorities, while France uses *traducteurs experts judiciaires* registered with the courts of appeal.¹

Notarial deeds in Basel-Stadt are drawn up by notaries of the Latin type who are independent professionals appointed by the canton. The cantonal notarial law prescribes German as the language of public deeds, although foreign-language deeds or bilingual deeds may be admissible in particular circumstances. Where a party does not understand German, the notary must ensure that the party understands the content of the deed, usually through an interpreter or a translation read to the party. The same principle applies in Germany, where sections 16 and 32 of the Notarisation Act govern the use of interpreters and translations for parties who do not sufficiently command the language of the deed. A French notaire records the deed in French, and foreign parties typically sign a power of attorney in favour of a representative who understands the language.²

Filings with the commercial register in Basel-Stadt must be made in German, the official language of the canton. Documents in other languages, such as the articles of association of a foreign parent company or a resolution of a foreign board, must normally be accompanied by a certified translation, although the register office may waive the translation in some

cases where it can read the document. Swiss companies may adopt articles of association in a foreign language only within the limits of the Commercial Register Ordinance, which requires a version in an official language for registration. International groups that hold their board meetings in English in Basel therefore produce German versions of the resolutions that require registration, such as changes in signatory powers or amendments to the articles.³

1 Notes

1. On court interpreters and translators in Basel-Stadt, see the cantonal rules on interpreting and translation in judicial proceedings. On sworn translators in Germany, see the legislation of the Länder on the appointment of interpreters and translators; on France, see the rules on experts judiciaires. To be verified. ↩
2. On the language of public deeds in Basel-Stadt, see the cantonal notarial law (Notariatsgesetz) and its implementing ordinance. On Germany, see §§ 5, 16 and 32 BeurkG. Details to be verified. ↩
3. On the language of commercial register filings, see the Commercial Register Ordinance (HRegV, SR 221.411), in particular its provisions on the language of entries and supporting documents. To be verified. ↩

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